

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

KIM A. ETIENNE,

CASE NO. 21-cv-1429

Plaintiff,

## ORDER

V.

UNITED STATES OF AMERICA,

**Defendant.**

This is a medical negligence case. At the time the matter was filed, Plaintiff Kim Etienne was represented by counsel, but his attorneys have since withdrawn from the case and Plaintiff now proceeds *pro se*. After his attorney's withdrew, Defendant United States of America filed a motion to compel discovery, which is still pending, and a motion to extend certain pretrial deadlines while the Court considers its motion to compel. The Court addresses the motion to modify the pretrial deadlines and other issues below.

So long as there is good cause, whether to modify trial dates is within the Court's discretion. Fed. R. Civ. P. 16(b)(4); LCR 16(b)(6); *see also Zivkovic v. S. Cal. Edison Co.*, 302 F.3d 1080, 1087 (9th Cir. 2002). Here, Defendant argues that its motion to compel discovery is still pending, and suggests that information it might glean from the disputed depositions would be useful on

1 summary judgment. It follows, Defendant argues, that it “should be afforded an opportunity to  
2 take these depositions prior to the dispositive motion deadline...” Without ruling on its merits, the  
3 Court agrees that good cause exists to extend the dispositive motion deadline while the Court  
4 considers Defendant’s motion to compel. Plaintiff failed to file papers in opposition to Defendant’s  
5 motion to modify the pretrial dates, so the Court considers his failure an admission that  
6 Defendant’s motion has merit. LCR 7(b)(2).

7 The Court has little trouble granting Defendant’s motion, but setting the appropriate  
8 deadlines is a different matter. This case has been continued several times previously, and the  
9 Court is not inclined to do so again, but some of the current deadlines are unreasonable in light of  
10 the circumstances. *See Dietz v. Bouldin*, 579 U.S. 40, 47, 136 S. Ct. 1885, 1892 (2016) (stating  
11 “district courts have the inherent authority to manage their dockets . . . with a view toward the  
12 efficient and expedient resolution of cases.”).

13 Accordingly, the Court GRANTS Defendant’s Motion For Extension of Pre-Trial  
14 Deadline. Dkt. No. 46. All discovery must be completed by September 29, 2023. All dispositive  
15 motions must be filed by October 5, 2023. Defendant’s motion is DENIED to the extent it seeks  
16 to extend the *Daubert* motion deadline. The Court has not previously set a deadline for *Daubert*  
17 motions, and it will not do so now.

18 The Court also DIRECTS the parties to meet and confer and to file a Joint Status Report  
19 by August 30, 2023, indicating (i) Plaintiff’s efforts, if any, to obtain replacement counsel, (ii) the  
20 estimated number of witnesses each side will call at trial, and (iii) the estimated time to try the  
21 case.

22 The Clerk is directed to send uncertified copies of this Order to all counsel of record and  
23 to any party appearing pro se at said party’s last known address.

24 It is so ORDERED.

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2 Dated this 9th day of August, 2023.  
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Jamal N. Whitehead  
United States District Judge